

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

AYANNA EDWARDS,

Plaintiff,

v.

WALMART INC., a Delaware corporation,
and JANE DOE, an individual,

Defendants.

No. 3:20-cv-01609-AC

OPINION AND ORDER

MOSMAN, J.,

On February 19, 2021, Magistrate Judge John V. Acosta issued his Findings and Recommendation (F. & R.) [ECF 20]. Judge Acosta recommended that I grant Plaintiff's Motion to Remand to State Court [ECF 11]. No objections were filed. Upon review, I agree with Judge Acosta.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of


the magistrate judge as to those portions of the F. & R. to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F. & R. depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F. & R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Acosta's findings and recommendation and I ADOPT the F. & R. [ECF 20]. I GRANT Plaintiff's Motion to Remand to State Court [ECF 11] and remand this case to the Circuit Court of the State of Oregon for the County of Multnomah.

IT IS SO ORDERED.

DATED this 9th day of April, 2021.


MICHAEL W. MOSMAN
United States District Judge